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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,145	04/27/2001	Salil Pradhan	30014343-1	7305

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HEWLETT PACKARD COMPANY  
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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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07/28/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/843,145	<b>Applicant(s)</b> PRADHAN ET AL.	
	<b>Examiner</b> MD S. ELAHEE	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12, 14, 20-22 and 25-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 14, 20-22, 25-37 and 39-43 is/are rejected.
- 7) ☒ Claim(s) 12 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed 04/16/2008. Claims 1-5, 7-12, 14, 20-22 and 25-43 are pending. Claims 6, 13, 15-19, 23 and 24 have been previously cancelled. Claims 42 and 43 have been newly added.

### ***Response to Arguments***

2. Applicant's arguments regarding claims 22, 25, 26, 34, 37, 38 and 40-43 filed in the 04/16/2008 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

3. The arguments regarding claims 1-5, 7-11, 14, 20, 21, 27-33, 35, 36 and 39 filed in the 04/16/2008 Remarks have been fully considered but they are not persuasive because of the following:

Regarding claim 1, the Applicant argues on page 17 that there is no disclosure in Rautila about an advertisement broker device. Examiner respectfully disagrees with this argument. The applicant is silent about the definition of the advertisement broker device in the claim. Examiner interprets item 26 of Fig.1 in Rautila as the claimed broker device since both of the devices make reply to an advertisement. Therefore, the rejection of the claim in view of **Rautila** and **Suarez** will remain.

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The Applicant further argues on page 17 that Rautila does not teach the added limitation, the changed reply message to include at least a substantial portion of the reply message. Examiner respectfully disagrees with this argument. In col.7, lines 1-10, Rautila teaches that SMS message [i.e., reply message including message data] includes requested form of payment information. This SMS message is changed to an acknowledgement message [i.e., reply message] and this acknowledgement message includes payment information. It clearly means that the changed reply message to include at least a substantial portion of the reply message. Therefore, the rejection of the claim in view of **Rautila** and **Suarez** will remain.

Since claims 2-5, 7-12, 14, 27-31, 33, 35, 36 and 39 are dependent claims, these claims are also rejected for the same reasons as discussed above with respect to claim 1.

Regarding claim 20, the Applicant argues on page 13 that **Konishi** has nothing to do with a replying to an advertisement or a telecommunication address of an advertiser or a replier. Examiner respectfully disagrees with this argument. In col.2, lines 55-57, **Konishi** teaches response message corresponding to a transmitted message [i.e., advertisement] where no telecommunications address of an advertiser or replier to a transmitted message [i.e., advertisement] is passed. Therefore, the rejection of the claim in view of **Rautila** and **Konishi** will remain.

Since claim 21 and 32 are dependent claims, these claims are also rejected for the same reasons as discussed above with respect to claim 20.

***Allowable Subject Matter***

4. Claims 12 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 1-5, 7-11, 14, 27-31, 33 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. (U.S. 6,549,625) in view of Suarez (U.S. 5,790,789).

As to Claims 1, 27-30, with respect to Figures 1-4, Rautila teaches a method of advertising comprising:

broadcasting an advertisement via a short range link from an advertiser telecommunications device, 14, (Figure 1, labels 12,14);

receiving the broadcast advertisement on a consumer telecommunications device, 12, (Figure 1, label 12);

replying to the advertisement by sending a SMS message [i.e., reply message including message data] from the consumer device to an advertisement broker device, 26 (Figure 1, label 26 and Col. 7, lines 1-10);

changing the SMS message to an acknowledgment message [i.e., reply message] at the broker device to derive a changed reply message that includes at least a substantial portion of the reply message (Col. 7, lines 1-10);

communicating the acknowledgement [i.e., changed reply] from the broker device to the advertiser device (Col. 7, lines 1-10).

However, Rautila does not specifically teach “changing message data of the reply at the broker device”. Suarez teaches changing message data of the reply at the agent [i.e., broker] device (abstract; Fig.11; Col. 26, lines 56-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to change message data of the

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reply at the broker device as taught by Suarez. The motivation for the modification is to do so in order to deliver a modified message such that a message path can be easily controlled by a broker.

As to Claim 2, Rautila teaches a method according to claim 1 in which the advertisement is broadcast to a man portable consumer device (Figure 1, label 12).

As to Claim 3, Rautila teaches a method according to claim 2 in which the consumer telecommunications device is a hand-holdable portable and pocketable device (Figure 2).

As to Claim 4, Rautila teaches a method according to claim 1 in which the advertisement is broadcast from a man portable advertiser device (Figure 1, label 14).

As to Claim 5, Rautila teaches a method according to claim 4 in which the advertiser device is a hand-holdable portable device (Figure 1, label 14).

As to Claim 7, Rautila teaches a method according to claim 1 in which the advertiser device does not include its own telecommunications address in its broadcast advertisement (Figure 3 and Col. 6, lines 48-60 and Col. 8, lines 63-67).

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As to Claim 8, Rautila teaches a method according to claim 7 further including the step of including the telecommunications address of the broker device in the advertisement (Col. 7, lines 12-22).

As to Claim 11, Rautila teaches a method according to claim 1 in which the consumer device replies to an advertisement via long range telecommunications (Figure 1, label 42).

As to Claim 14, Rautila teaches a method according to claim 1 comprising using a mobile telephone, personal digital assistant, or other small portable electronic devices for both the advertiser device and the consumer device, the advertiser and consumer devices both having both piconet short range and long range telecommunication capabilities (Col. 6, lines 23-47).

Claim 31 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Rautila teaches a method according to claim 1, wherein the reply message communicated from the broker device to the advertiser device is changed by the broker device changing the message sent by the consumer device by augmenting the message in the reply message sent by the consumer device to the broker device (Col. 10, lines 1-8, 58-64 and Col. 5, lines 39-51).

As to Claim 33, Rautila teaches a method according to claim 1, further including transmitting additional advertisement information from the advertiser device to the consumer device in response to a request for additional information by the consumer device to the advertisement (Col. 10, lines 1-8, 58-64 and Col. 5, lines 39-51).



As to Claim 39, Rautila teaches a method according to claim 1, wherein the reply message communicated from the broker device to the advertiser device is changed by the broker device changing the message data sent by the consumer device by deleting some of the message data in the reply message sent by the consumer device to the broker device (Col. 10, lines 1-8, 58-64 and Col. 5, lines 39-51).

9. Claims 20, 21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. in view of Konishi (U.S. 5,301,273).

As to Claims 20, 21, 32 with respect to Figures 1-4, Rautila teaches a server with database 26 [i.e., server], the server including an arrangement adapted to act as an advertisement broker device adapted to receive an SMS message [i.e., one of (i) an advertisement message or (ii) a reply message to an advertisement] and to forward the received message to a mobile terminal [i.e., remote telecommunications device] (Col. 10, lines 1-8 and 55-64);

the arrangement being adapted to validate the user [i.e., modify the received message] so as to ensure, at least initially, that the mobile user is an authorized user to receive the additional information about the goods or service or other information sources (Col. 9, lines 15-20, 56-67, Col. 10, lines 1-8, 55-63).

However, Rautila does not specifically teach the server to ensure, at least initially, that no telecommunications address of an advertiser or replier to an advertisement is passed with the

message that is transmitted by the server”. Konishi teaches the bridge unit (fig.1, item 20a, fig.2) [i.e., server] to ensure, at least initially, that no telecommunications address of an advertiser or replier to an advertisement is passed with the message that is transmitted by the server (abstract; col.2, lines 52-58). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to incorporate the server to ensure, at least initially, that no telecommunications address of an advertiser or replier to an advertisement is passed with the message that is transmitted by the server as taught by Konishi. The motivation for the modification is to do so in order to remove an address from a message to be transmitted so that the message can be broadcasting again.

10. Claims 22, 25, 26, 37 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. in view of Plotnick et al. (U.S. 2002/0178447).

As to Claims 22, 40, 41, with respect to Figures 1-4, Rautila teaches a network comprising an advertiser device (fig.1, item 16, fig.3) comprising a first telecommunications device having both a short range transmitter and receiver (fig.1, item 14), and a long range telecommunication transmitter and receiver (fig.1, item 30, fig.3), a memory, and a control processor, the memory including all advertisement (fig.1; col.8, lines 5-13);

a consumer device (fig.1, item 12) comprising a second telecommunications device, having both a short range, piconet, transmitter and receiver, and a long range telecommunications transmitter and receiver, a memory and a control processor, the memory or

the processor of the consumer device having an advertisement receiver which in use, is capable of receiving and storing advertisement (fig.2);

a server with database 26 [i.e., an advertisement broker device] contactable via wireless telecommunications with both the advertiser and consumer devices, the broker device being adapted to selectively pass (a) advertiser details to the consumer device, and consumer details to the advertiser device, or both, in response to triggering (Col. 9, lines 15-20, Col. 10, lines 1-8, 55-64).

However, Rautila does not specifically teach that block passage of consumer details to the advertiser device". (Note; examiner considers the claimed "or" in line 14 of the claim 22 as simple alternative "or", therefore, examiner selects only the claimed "consumer details to the advertiser device"). Plotnick teaches that block passage of consumer details to the advertiser device (page 6, paragraph 0082). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to block passage of consumer details to the advertiser device as taught by Plotnick. The motivation for the modification is to do so in order to prevent direct contact between advertiser and consumer such that sensitive information is not disclosed due to privacy concerns.

As to Claim 25, Rautila teaches the network of claim 22 in which the broker device is connectable with the advertiser device and the consumer device via long range wireless telecommunications (fig.1).

As to Claim 26, Rautila teaches the network of claim 22 wherein each the telecommunication

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devices includes a hybrid telephone (Col. 8, lines 49-52).

As to Claim 37, Rautila does not specifically teach that during passing of details of the advertiser to the consumer device, block passage of address of the advertiser devices to the consumer device. Plotnick teaches that during passing of details of the advertiser to the consumer device, block passage of address of the advertiser devices to the consumer device (page 2, paragraph 0017). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to block passage of address of the advertiser devices to the consumer device during passing of details of the advertiser to the consumer device as taught by Plotnick. The motivation for the modification is to do so in order to prevent direct communication between advertiser devices to the consumer device such that sensitive information is not disclosed due to privacy concerns.

Claims 42 and 43 are rejected for the same reasons as discussed above with respect to claim 22. Furthermore, Rautila in view of Plotnick does not specifically teach “block passage of advertiser details to the consumer device”. However, Examiner takes Official Notice that blocking passage of advertiser details to the consumer device is well known in the art. Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the feature of blocking passage of advertiser details to the consumer device in order to protect privacy of an advertiser to a consumer.

11. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. in view of Plotnick et al. further in view of Konishi.

Claim 34 is rejected for the same reasons as discussed above with respect to claim 20.

12. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. in view of Suarez further in view of Plotnick et al..

Claims 35 and 36 are rejected for the same reasons as discussed above with respect to claim 22.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD S. ELAHEE whose telephone number is (571)272-7536.

The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MD S ELAHEE/  
MD SHAFIUL ALAM ELAHEE  
Examiner  
Art Unit 2614  
July 24, 2008